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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,064	04/13/2001	Giovanni Giuffrida	HRL065	3890
28848	7590	10/06/2003	EXAMINER	
TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2175	9

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,064

Applicant(s)

GIUFFRIDA ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 18-July-2003.

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-16 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. DOV POPOVICI

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) ☐ Interview Summary (PTO-413) Paper No(s) _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100

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DETAILED ACTION

1. The request for reconsideration filed on July 18, 2003 has been received and entered.

Claims 1-16 are pending.

Specification

2. The abstract of the disclosure is objected to because improper content used: (116), (100), (104), (102), (108), (112), (114), and (116) must be deleted. Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein et al. (U.S. Pub. No. 2001/0011270 A1) in view of Asmussen et al. (U.S. Pub. No. 2002/0042923 A1).

As to claims 1, and 9, Himmelstein et al. discloses an apparatus, a method for automatically extracting metadata from electronic documents (See figure 4, also see page 2, paragraph 0026) comprising a first processing element, a second processing element, a reasoning element, and a database (See figure 1, also see page 2, paragraphs 0019-0022), wherein,

i) said first processing element is further configured to convert electronic documents into files (See page 2, paragraph 0018);

ii) said first processing element is configured to provide the files to a second processing element (See page 2, paragraph 0023, also see page 3, paragraph 0032);

iii) said second processing element is configured to receive said files and extract predetermined information (See page 8, claims 17-27 language);

iv) said second processing element is further configured to provide said extracted predetermined information to said reasoning element (See page 2, paragraph 0019);

v) said database (See page 2, paragraphs 0022-0023) is configured to also provide input to said reasoning element (See page 2, paragraphs 0019-0022);

Himmelstein et al. does not teach vi) said reasoning element is configured to use a set of rules to extract metadata from the files.

vii) reasoning element provides an output of metadata.

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Asmussen et al. teaches vi) said reasoning element is configured to use a set of rules to extract metadata from the files (See Asmussen et al. figure 6b, 339, shows "Rule-Based Tagging Algorithm" being processed inside the database, also see Asmussen et al. page 2, paragraph 0021);

vii) reasoning element provides an output of metadata (See Asmussen et al. page 3, paragraph 0028, also see Asmussen et al. page 5, paragraph 0059).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Himmelstein et al. to include vi) said reasoning element is configured to use a set of rules to extract metadata from the files; vii) reasoning element provides an output of metadata.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Himmelstein et al. by the teaching of Asmussen et al. to include vi)

said reasoning element is configured to use a set of rules to extract metadata from the files; vii) reasoning element provides an output of metadata because it creates reduced processing power and more efficient data retrieval results.

As to claims 2, and 10, Himmelstein et al. as modified discloses an apparatus for automatically extracting metadata from electronic documents, wherein said files are substantially format invariant data files such as Postscript files (See page 2, paragraph 0018).

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As to claims 3, and 11, Himmelstein et al. as modified discloses wherein said predetermined information is substantially spatial layout facts (See page 2, paragraphs 0018-0022).

As to claims 4, and 12, Himmelstein et al. as modified discloses wherein the second processing element and said database simultaneously input to the reasoning element (See page 2, paragraphs 0019-0022, also see page 2, paragraphs 0022-0026, also see abstract, and see Asmussen et al. page 2, paragraphs 0020-0021).

As to claims 5, and 13, Himmelstein et al. as modified discloses wherein said set of rules can be updated (See Asmussen et al. page 5, paragraph 0058, also see Asmussen et al. page 6, paragraph 0065, also see Himmelstein et al. page 1, paragraph 0003).

As to claims 6, and 14, Himmelstein et al. as modified discloses wherein said metadata is substantially comprised of title, author, affiliation, author affiliation, and table of contents (See Asmussen et al. page 7, paragraph 0067, also see Asmussen et al. page 8, paragraph 0076).

As to claims 7, and 15, Himmelstein et al. as modified discloses wherein said metadata is provided to a user interface (See Asmussen et al. page 3, paragraph 0028, also see Asmussen et al. page 5, paragraph 0059, also see Himmelstein et al. page 6, paragraph 0075).

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As to claims 8, and 16, Himmelstein et al. as modified discloses wherein said metadata is provided to a storage medium (See Asmussen et al. page 8, paragraph 0077).

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chica et al. (U.S. Pub. No. 2002/0026445 A1) teaches methods for the flexible usage of electronic content in heterogeneous distributed environments.

Ashby et al. (U.S. Patent No. 6,047,280) teaches interface layer for navigation system.

Levy et al. (U.S. Patent No. 6,505,160 B1) teaches connected audio and other media.

Jones et al. (U.S. Pub. No. 2002/0188841 A1) teaches digital asset management and linking media signals:

Christensen et al. (U.S. Patent No. 6,055,543) teaches file wrapper containing cataloging information for content searching across multiple platforms.

Skinner et al. (U.S. Patent No. 6,085,198) teaches integrated three-tier application framework.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
September 26, 2003


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100